

7

**UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF  
SOUTHERN DIV**

Case: 2:23-cr-20332  
Assigned To : Borman, Paul D.  
Referral Judge: Altman, Kimberly G.  
Assign. Date : 6/13/2023  
Description: INDI USA V. SMITH (NA)

United States of America,

v.

Kevin Smith

Violations:

21 U.S.C. § 841(a)(1)

18 U.S.C. § 922(g)(1)

18 U.S.C. § 924(c)(1)(A)

Defendant.

\_\_\_\_\_ /

**Indictment**

The Grand Jury charges that:

**Count One**

**Possession of Cocaine Base with Intent to Distribute  
21 U.S.C. § 841(a)(1)**

On or about May 11, 2023, in the Eastern District of Michigan, the defendant, Kevin Smith, knowingly and intentionally possessed with intent to distribute a controlled substance, that is a mixture and substance containing a detectable amount of cocaine base, commonly known as crack cocaine, in violation of Title 21, United States Code, Section 841(a)(1) and (b)(1)(C).

**Count Two**

**Possession of Fentanyl with Intent to Distribute  
21 U.S.C. § 841(a)(1)**

On or about May 11, 2023, in the Eastern District of Michigan, the

defendant, Kevin Smith, knowingly and intentionally possessed with intent to distribute a controlled substance, that is a mixture and substance containing a detectable amount of N-phenyl-N-[1-(2-phenylethyl)-4-piperidinyl] propanamide, commonly known as fentanyl, in violation of Title 21, United States Code, Section 841(a)(1) and (b)(1)(C).

**Count Three**  
**Possession of Methamphetamine with Intent to Distribute**  
**21 U.S.C. § 841(a)(1)**

On or about May 11, 2023, in the Eastern District of Michigan, the defendant, Kevin Smith, knowingly and intentionally possessed with intent to distribute a controlled substance, that is a mixture and substance containing a detectable amount of methamphetamine, in violation of Title 21, United States Code, Section 841(a)(1) and (b)(1)(C).

**Count Four**  
**Possession of Cocaine with Intent to Distribute**  
**21 U.S.C. § 841(a)(1)**

On or about May 11, 2023, in the Eastern District of Michigan, the defendant, Kevin Smith, knowingly and intentionally possessed with intent to distribute a controlled substance, that is a mixture and

substance containing a detectable amount of cocaine, in violation of Title 21, United States Code, Section 841(a)(1) and (b)(1)(C).

**Count Five**  
**Felon in Possession of a Firearm**  
**18 U.S.C. § 922(g)(1)**

On or about May 11, 2023, in the Eastern District of Michigan, the defendant, Kevin Smith, knowing that he had been convicted of a crime punishable by imprisonment for a term exceeding one year, knowingly possessed, in or affecting interstate commerce, a firearm, that is, a Ruger .38 caliber revolver, in violation of Title 18, United States Code, Section 922(g)(1).

**Count Six**  
**Possession of a Firearm in Furtherance of a**  
**Drug-Trafficking Crime 18 U.S.C. § 924(c)(1)(A)**

On or about May 11, 2023, in the Eastern District of Michigan, the defendant, Kevin Smith, knowingly possessed a firearm, that is, a Ruger .38 caliber revolver, in furtherance of a drug-trafficking crime for which he may be prosecuted in a court of the United States, that is, possession with intent to distribute a controlled substance, as charged in Counts One and Two of this Indictment; in violation of Title 18, United States

Code, Section 924(c)(1)(A).

**Forfeiture Allegations**

The allegations contained in Counts One through Six of this Indictment are hereby realleged and incorporated by reference for the purpose of alleging forfeiture under Title 18, United States Code, Section 924(d) together with Title 28, United States Code, Section 2461(c), and Title 21, United States Code, Section 853.

Under Title 18, United States Code, Section 924(d)(1) and Title 28, United States Code, Section 2461(c), upon conviction of the offenses in violation of Title 18, United States Code, Sections 922(g) and 924(c) set forth in Counts Five and Six of this Indictment, the defendant shall forfeit to the United States of America any firearm or ammunition involved in or used in any knowing violation of the offense, including, but not limited to:

- One Ruger, .38 caliber revolver and all related ammunition;
- Two Combat 19, P80, 9mm handguns and all related ammunition.

Under Title 21, United States Code, Section 853, upon conviction of an offense in violation of Title 21, United States Code, Section 841, the defendant, shall forfeit to the United States of America any property constituting, or derived from, any proceeds obtained, directly or indirectly, as the result of such offenses and any property used, or intended to be used, in any manner or part, to commit, or to facilitate the commission of, the offenses.

As part of the forfeiture in this case, the United States intends to seek entry of a forfeiture money judgment.

If any of the property described above, as a result of any act or omission of the defendant:

- a. cannot be located upon the exercise of due diligence;
- b. has been transferred or sold to, or deposited with, a third party;
- c. has been placed beyond the jurisdiction of the court;
- d. has been substantially diminished in value; or
- e. has been commingled with other property which cannot be divided without difficulty,

the United States of America shall be entitled to forfeiture of substitute property under Title 21, United States Code, Section 853(p), as incorporated by Title 28, United States Code, Section 2461(c).

**This is a True Bill.**

/s/ Grand Jury Foreperson  
Grand Jury Foreperson

DAWN N. ISON  
United States Attorney

/s/ Brandy R. McMillion  
Chief, General Crimes Unit

/s/ Hank Moon  
Assistant United States Attorney

/s/ Tara Hindelang  
Assistant United States Attorney


Dated: June 13, 2023

United States District Court  
Eastern District of Michigan

**Criminal Case C**

Case: 2:23-cr-20332  
Assigned To : Borman, Paul D.  
Referral Judge: Altman, Kimberly G.  
Assign. Date : 6/13/2023  
Description: INDI USA V. SMITH (NA)

NOTE: It is the responsibility of the Assistant U.S. Attorney signing this form to complete it accurately in all respects.

<b>Companion Case Information</b>	Companion Case Number:
This may be a companion case based upon LCrR 57.10 (b)(4) <sup>1</sup> :	Judge Assigned:
<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No	AUSA's Initials: 

Case Title: USA v. Kevin Smith

County where offense occurred : Wayne

Check One: ☒ Felony ☐ Misdemeanor ☐ Petty

☐ Indictment/ ☐ Information --- no prior complaint.

☒ Indictment/ ☐ Information --- based upon prior complaint [Case number: 23-mj-30237 ]

☐ Indictment/ ☐ Information --- based upon LCrR 57.10 (d) [Complete Superseding section below].

**Superseding Case Information**

Superseding to Case No: \_\_\_\_\_ Judge: \_\_\_\_\_

- ☐ Corrects errors; no additional charges or defendants.  
☐ Involves, for plea purposes, different charges or adds counts.  
☐ Embraces same subject matter but adds the additional defendants or charges below:

Defendant name

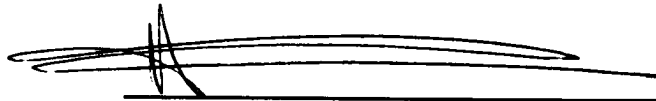
Charges

Prior Complaint (if applicable)

Please take notice that the below listed Assistant United States Attorney is the attorney of record for the above captioned case.

June 13, 2023

Date



Hank Moon  
Assistant United States Attorney  
211 W. Fort Street, Suite 2001  
Detroit, MI 48226-3277  
Phone: (313) 226-0220  
Fax: (313) 226-2372  
E-Mail address: Hank.Moon@usdoj.gov  
Attorney Bar #: P85337

<sup>1</sup> Companion cases are matters in which it appears that (1) substantially similar evidence will be offered at trial, or (2) the same or related parties are present, and the cases arise out of the same transaction or occurrence. Cases may be companion cases even though one of them may have already been terminated.